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November 9, 2022

Via ECF

Hon. Valerie Figueredo
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, New York 10007

Application Granted



Valerie Figueredo, U.S.M.J.

DATED: 11-10-2022

Defendants' responses to non-party Northwell's motions to modify subpoenas served by WCD and A.I.I. are due by **November 21, 2022. SO ORDERED.**

Re: Brian Joseph Gref v. American International Industries, et al.
Case No.: 1:20-cv-05589-GBD-DCF

Dear Justice Figueredo:

Defendants, Whittaker, Clark & Daniels, Inc. ("WCD") and American International Industries, Inc. ("A.I.I.") (jointly, "subpoenaing defendants"), jointly move, consistent with Your Honor's Individual Rules, to extend the time to respond to non-party, Northwell Health, Inc.'s ("Northwell"), November 4, 2022 motions to limit the subpoenas served by WCD and A.I.I.

The undersigned conferred with Northwell's counsel, Nate Huff, Esq., telephonically on November 8, 2022, to request consent to adjourn WCD and A.I.I.'s opposition deadlines from November 11, 2022, to November 21, 2022, and was denied consent. Mr. Huff advised that he could not consent as it was believed that it would not benefit his client to do so.

A.I.I. served its subpoena on Northwell on September 28, 2022, requiring a response by October 18, 2022. WCD served its subpoena on October 14, 2022, requiring a response by October 28, 2022. A.I.I. and WCD ultimately each separately consented to extend Northwell's time to respond to the subpoenas to November 4, 2022, as a courtesy.

On November 4, 2022, Northwell filed separate motions seeking to limit the A.I.I. and WCD subpoenas. Subpoenaing defendants seek the instant adjournment because we require additional time to respond to the issues raised by Northwell's motion and surrounding the subpoenas. An adjournment of Northwell's motion is not expected to cause any prejudice to Northwell or any Parties in this action and Northwell has identified no circumstance requiring resolution of its motion urgently.

Additionally, on November 4, 2022, Defendants in this Action jointly filed a motion to compel the continued deposition of Plaintiff's expert Dr. Jacqueline Moline ("Motion to Compel"). Your Honor ordered a November 21, 2022, deadline for Plaintiff to respond to the Motion to Compel and a conference for the Motion to Compel on December 12, 2022. As both motions relate to and arise out of discovery concerning Plaintiff's expert Dr. Moline, and certain issues raised by the Motion to Compel overlap with issues raised by Northwell's motion, we believe it would benefit the Parties and be in the interest of judicial efficiency to address Northwell's motion and Defendants' motion to compel on the same cycle.

Thank you for your time and attention to this matter.

Respectfully,

Janelle N. Winters

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JNW

cc: All counsel of record (*via ECF*)
Nate Huff, Esq. (*via ECF & email*)